

San Juan Regional Medical Center and International Union of Operating Engineers, Local No. 953, AFL-CIO, Petitioner. Case 28-RC-5009

April 16, 1992

DECISION ON REVIEW AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS OVIATT
AND RAUDABAUGH

The Employer's request for review of the Regional Director's Decision and Direction of Election is granted with respect to the placement of biomedical technicians in a skilled maintenance unit. The Board, by a three-member panel, having carefully examined the record, has decided that the Regional Director correctly included these employees in the petitioned-for skilled maintenance unit.

The record establishes, and the Employer agrees, that its biomedical technicians are highly skilled employees who maintain, repair, and calibrate sophisticated hospital equipment such as infusion pumps, IV pumps, incubators, operating room tables, lasers, EEG, EKG, audiology, anesthesiology, and non x-ray electronic equipment.¹ Moreover, the biomedical technicians are in the same department as the maintenance mechanics, who perform traditional skilled maintenance work, and are under the same department manager; neither the biomedical technicians nor the maintenance mechanics presently have firstline supervision, and the biomedical technicians have similar hours and lower wages than the radiology technician, a radiology department employee, who was included in the unit. The fact that the biomedical technicians may have more education, a higher wage range, and different hours than the maintenance mechanics, as well as little interaction and no interchange with other plant operations department employees, does not preclude their inclusion in the skilled maintenance unit.

The fact that these employees maintain and repair equipment used in direct patient care also does not preclude their placement in the skilled maintenance unit. See *Jewish Hospital*, 305 NLRB 955 (1991). There,

¹ We are not suggesting that the maintenance and repair of X-ray electronic equipment is not highly skilled. Indeed, the radiology technician who performs this work for the Employer is also included in the skilled maintenance unit.

the Board excluded the occupational therapy craftsman from a skilled maintenance unit but not because he constructed equipment used in direct patient care; instead, he was excluded because his primary job duties included direct patient care—assigning patients in the selection and execution of appropriate projects. As the biomedical technicians here do not engage in any direct patient care, but only maintain and repair hospital equipment (by happenstance, equipment used in the diagnosis and treatment of patients), the Regional Director properly included them in a skilled maintenance unit.

We reject the Employer's contention that the biomedical technicians' high skill level compels a finding that they are technical employees. In the past, in unit placement cases, the Board has taken varying positions on whether biomedical technicians' skill levels comport with those of employees performing more traditional skilled maintenance work. *Faulkner Hospital*, 242 NLRB 47 (1979) (biomedical technicians included in a skilled maintenance unit); *Long Island College Hospital*, 239 NLRB 1135 (1978) (biomedical technicians excluded from a skilled maintenance unit); *Garden City Hospital*, 244 NLRB 778 (1979) (electronics technician included regardless of whether technical or nontechnical). However, the Board's Rulemaking proceeding shows that the Board contemplated varying degrees of skill among classifications to be included in skilled maintenance units. 284 NLRB 1561-1562, 53 Fed.Reg. 33923-33924. Although the Board did not make a unit placement decision in the Healthcare Rule regarding biomedical technicians, it did indicate that from the evidence it had received, it appeared the biomedical technicians had skills similar to those of the more traditional skilled maintenance classifications. 284 NLRB 1559, 53 Fed.Reg. 33922. In addition, the record here shows that the Employer's other employees it denominates as technical are primarily involved in diagnostic work, not maintenance and repair of equipment. Accordingly, the Regional Director properly declined to place the biomedical technicians in a technical unit.

MEMBER OVIATT, dissenting.

Based on the record evidence recited above, I would find these biomedical technicians to be technical employees and would exclude them from the skilled maintenance unit.